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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,480	07/10/2003	Kazuhito Gassho	MIPEP039	2841
25920 7590 05/21/2009 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
HANG, VU B				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
05/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/617,480

Applicant(s)

GASSHO, KAZUHIITO

Examiner

Vu B. Hang

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

- This office action is responsive to the Request for Continued Examination filed on 04/21/2009.
- The amendments received on 02/17/2009 have been entered and made of record.
- Claims 1-25 are pending in the current application.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed on 02/17/2009, with respect to the cited prior art and the newly added claim limitation found in independent Claims 1, 7, 13 and 18-15, have been fully considered and are persuasive. Therefore, the previous rejections of Claims 1-25 have been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Tanaka (US Pub. 2002/0186410 A1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferlitsch (US Pub. 2002/0089692 A1) in view of Tanaka (US Pub. 2002/0186410 A1).

5. Regarding **Claim 1**, Ferlitsch discloses a system in which a print job submitting device and a plurality of print devices are connected via network (see Fig. 15, Fig.16 and paragraph [0086]), a print job management system that is disposed corresponding to each of the print devices and manages print jobs (see Fig.16 (822), Fig.17 (842) and paragraphs [0129-0130]), the print job management system comprising: a job storage unit that, when a request to execute a two-way type print job, which is to be executed in connection with a two-way communication between the print job submitting device and the print device, is received from the print job submitting device (see Fig.8, Fig.25, paragraph [0085], paragraph [0087] and paragraph [0147]), stores predetermined data for job control that is different from the print job itself(see Fig. 15, Fig. 16 (810,822), paragraph [0113] and paragraph [0129]); a print job execution unit, that when it is determined that a timing of printing the two-way type print job is reached according to the predetermined data, establishes a two-way communication between the print job submitting device and the print device and thereby executes printing (see Fig. 15, Fig. 16 (810,822), paragraph [0108], paragraphs [0112-0113] and paragraph [0129]); a storage location change unit, when an instruction for moving the print job to another print device is input, changes a storage location of the predetermined data to another print job management system that corresponds to

another printing device (see Fig.24 and paragraphs [0142-0143]); and a notification unit that provides a notification of change in the storage location to the print job submitting device (see Fig.12 (580,584,586,588,590,592,594,596) and paragraphs [0099-0100]). [Note: A notification is issued to a user when a print job is redirected from the default printer to a different printer.]

6. Ferlitsch fails to disclose wherein the notification includes an address another print device and an instruction for switching a destination of the two-way communication. Ferlitsch, however, teaches obtaining an IP address of the printers on the network (see Fig.9 (450,544,546) and paragraphs [0087-0088]), and using the IP address information for identifying the printers and their status information (see Fig.9 (450,544,546) and paragraphs [0090-0092]). Ferlitsch further teaches using a user interface to prompt a user to make a selection of available printing devices for re-directing a print job (see Fig.11 and paragraphs [0097-0098]). Tanaka discloses a print system in which a print job can be redirected (see Fig.5 (100) and paragraph [0053]), wherein a printer data/job history message, including the client IP address information and the redirecting instruction, is generated (see Fig.7 (300) and paragraph [0061]). Tanaka further teaches specifying the IP address of a printer to perform printing (see Fig.7 (300) and paragraph [0063]).

7. Ferlitsch and Tanaka are combinable because they are from the same field of endeavor namely print data processing systems. At the time of the invention, it would have been obvious for one skilled in the art to include to the notification the address information of the print device to be used and an instruction for switching a destination of the two-way communication. The motivation would be to communicate to the user the change in print job storage location when

the print job is redirected. This would allow the user to know where and which printing device the print job is being redirected to.

8. Regarding **Claim 2**, Ferlitsch further discloses the storage location change unit moves the predetermined data to another print job management system (see Fig.24 and paragraphs [0142-0143]).

9. Regarding **Claim 3**, Ferlitsch and Tanbaka teach the print job management system of Claim 1 but they fail to expressly disclose wherein the storage change unit deletes the predetermined data and then causes the print job submitting device to resubmit the print job to another print device. Ferlitsch, however, teaches resubmitting the print job to another print device (see Fig.24, paragraph [0120] and paragraphs [0142-143]), and reconfiguring the print task for printing on the printers that the print job is distributed to (see paragraph [0142]). At the time of the invention, it would have been obvious for one skilled in the art to have the storage change unit delete the predetermined data and cause the print job submitting device to resubmit the print job to another print device. The motivation would be to delete unnecessary data in the buffer or queue and to create memory space for the next predetermined data to be received.

10. Regarding **Claims 4 and 14**, Ferlitsch further discloses the predetermined data comprises a part of data that constitutes the print job (see Fig.15 (684), paragraphs [0112-0113] and paragraph [0120]).

11. Regarding **Claims 5 and 15**, Ferlitsch further discloses a hold instruction that, at the time of receiving the request to execute the two-way type print job, causes the print job submitting device to put the transmission of the print job on hold (see Fig.15, paragraph [0106] and paragraph [0108]).

12. Regarding **Claims 6 and 16**, Ferlitsch further discloses the notification of change includes information that specifies another print device (see Fig. 15 (684), paragraphs [0112-0113] and paragraph [0120]); and information that represents a new storage location of the predetermined data (see Fig. 15, Fig. 16 (810,822), paragraph [0113] and paragraph [0129]).

13. Regarding **Claims 7 and 9-12**, the claims recite limitations that are similar and in the same scope of invention as to those in Claims 1 and 3-6 above and or in combination thereof. Therefore, Claims 7 and 9-12 are rejected for the same rejection rationale/basis as described in Claims 1 and 3-6.

14. Regarding **Claim 8**, Ferlitsch further discloses the information on the change of the storage location includes information specifying the print job submitting device and instruction for changing the storage location (see Fig. 15 and paragraphs [0142-0143]); and wherein by the notification of change, the change notification unit requires the print job submitting device that is specified by the information on the change of the storage location to resubmit the print job (see Fig.15 (700,708) and paragraphs [0142-0143]).

15. Regarding **Claim 13**, Ferlitsch discloses a print job management system that manages print jobs in a system in which a print job submitting device and a plurality of print devices are connected via a network (see Fig.16 (822), Fig.17 (842) and paragraphs [0129-0130]), wherein a spooler is disposed corresponding to each of the print devices (see Fig. 16 (822), Fig. 17 (842) and paragraphs [0129-0130]); and wherein when a request to execute a two-way type print job, which is to be executed in connection with a two-way communication between the print device and the print job submitting device, is received (see Fig.8, Fig.25, paragraph [0085], paragraph [0087] and paragraph [0147]), the spooler stored predetermined data for job control that is

different from the print job itself(see Fig. 15, Fig. 16 (810,822), paragraph [0113] and paragraph [0129]), the print job management system comprising: a move detection unit that detects the move of predetermined data between the respective spoolers (see Fig.24 and paragraphs [0142-0143]); and a change notification unit that, when the move is detected, provides a notification of change in storage location to the print job submitting device (see Fig. 15 (700,708) and paragraphs [0113-0114]).

16. Ferlitsch fails to disclose wherein the notification includes an address another print device and an instruction for switching a destination of the two-way communication. Ferlitsch, however, teaches obtaining an IP address of the printers on the network (see Fig.9 (450,544,546) and paragraphs [0087-0088]), and using the IP address information for identifying the printers and their status information (see Fig.9 (450,544,546) and paragraphs [0090-0092]). Ferlitsch further teaches using a user interface to prompt a user to make a selection of available printing devices for re-directing a print job (see Fig.11 and paragraphs [0097-0098]). Tanaka discloses a print system in which a print job can be redirected (see Fig.5 (100) and paragraph [0053]), wherein a printer data/job history message, including the client IP address information and the redirecting instruction, is generated (see Fig.7 (300) and paragraph [0061]). Tanaka further teaches specifying the IP address of a printer to perform printing (see Fig.7 (300) and paragraph [0063]).

17. Ferlitsch and Tanaka are combinable because they are from the same field of endeavor namely print data processing systems. At the time of the invention, it would have been obvious for one skilled in the art to include to the notification the address information of the print device to be used and an instruction for switching a destination of the two-way communication. The

motivation would be to communicate to the user the change in print job storage location when the print job is redirected. This would allow the user to know where and which printing device the print job is being redirected to.

18. Regarding **Claims 18-19, 21-23 and 25**, the rationale provided for the rejection of Claim 1 is incorporated herein.

19. Regarding **Claims 20 and 24**, the rationale provided for the rejection of Claim 13 is incorporated herein.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Ferlitsch (US Pub. 2002/0089692 A1).

22. Regarding **Claim 17**, Ferlitsch discloses a network to which a plurality of print devices are connected (see Fig.16, Fig.17 and paragraph [0086]), including a print job submitting device that submits a print job to one of the print devices (see Fig.16 (822), Fig.17 (842) and paragraphs [0129-0130]), wherein a print job management system is for controlling print job execution is disposed corresponding to each of the print device (see Fig.16 (822), Fig.17 (842) and paragraphs [0129-0130]), the print job submitting device comprising: a communication

establishment unit that, in execution of a two-way type print job that requires two-way communication with the print device at the time of printing, establishes a two-way communication with the print device according to an instruction from the print job management system (see Fig.8 (522), Fig.25 (432), paragraph [0085], paragraph [0087] and paragraph [0147]); and a communication switch unit that, when a notification of change, which represents that the print device for print job execution is changed, is received from one of the print job management systems, switches the destination of the two-way communication to a new print device (see Fig. 15 (700,708), Fig.24, paragraphs [0113-0114] and paragraphs [0142-0143]).

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571)272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vu B. Hang/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625